IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6852 of 2007()

(CRIME NO.265/2007 OF TOWN NORTH POLICE STATION, PALAKKAD)

PETITIONER/ACCUSED NO.3

RAMESH, AGED 19 YEARS,
S/O.MUTHU, AMBALAKKADU, KALLEPPULLY,
PALAKKAD TALUK & DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, TOWN NORTH POLICE
STATION, PALAKKAD, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6852 of 2007

Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner is the 3rd accused. Altogether there are 4 accused persons. They face allegations in a crime registered under Section 326 and 308 I.P.C. The alleged attack was with a sword. The incident took place on 3.10.07. The petitioner had moved the learned Sessions Judge twice. But the applications for anticipatory bail were dismissed.

2. The learned counsel for the petitioner prays that the petitioner may now be granted anticipatory bail. The learned Public Prosecutor opposes the application.

3. I have considered all the relevant inputs. I am unable to perceive any features in this case which can justify or warrant the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This I am satisfied, is a fit case where the petitioner must surrender before the learned Magistrate and then seek bail in the regular and ordinary course.

4. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-